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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,720	06/26/2003	Mark Bernsley	36590.009	6903
7590	05/12/2005		EXAMINER	
Mark Bernsley 15910 Ventura Blvd., Suite 1650 Encino, CA 91436			PHILLIPS, CHARLES E	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/608,720	BERNSLEY, MARK	
	Examiner	Art Unit	
	Charles E. Phillips	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 35-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35, 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potts et al in view of Brooke, Jr.

Potts et al teach the seat portion 1, the cardboard composition (see col. 1, lines 19-30), and the front flap at 5, which provide full response to claim 35, lines 1-14. Lacking here is the teaching of the front flap being folded under the toilet seat. Brooke teaches such a stabilization concept at 7 for a toilet seat cover. It would have been obvious to the ordinary artisan to provide for the flap of the former to be deployed as taught by the flap of the latter in order to provide stability to the device. Re: claim 27, the side flaps and back flap are taught at 7 and 10, 13 and provide the identical cooperation to that claimed here. Re: claim 39; see col. 1, lines 20-21.

Claims 36, 41, 42, 44-47, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 35 above, and further in view of Crossley et al.

To provide handles on the Weiss device as taught by Crossley et al in Fig. 1 would have been obvious to the ordinary artisan as same is shown used in an identical art device.

Claims 38, 43 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 35, 41 and 46 above, and further in view of Weiss. To

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further provide for the combination here to employ lines such as taught at Weiss at 36 and 38 would have been obvious to the ordinary artisan in order to glean their properties.

A telephone conversation with applicant is acknowledged wherein the general nature of the invention was discussed. No follow up has been attempted by the examiner due to the introduction of Potts et al as the primary reference.

Any inquiry concerning this communication should be directed to Charles E Phillips at telephone number (571) 272-4893.

Phillips/PJ

5/4/05


Charles E. Phillips
Primary Examiner